

Application No.: 10/089,557
Amendment Dated 3 March 2005
Reply to Office Action of 17 December 2004

REMARKS

Claims 1 and 3 have been canceled.

A substitute Sequence Listing has been provided to correct the error noted by the Examiner concerning the organism source. It is submitted that the substitute Sequence Listing does not constitute new matter and its entry is requested.

The Examiner objected to the specification on the basis of an error in the Sequence Listing. The submission of a substitute Sequence Listing obviates this objection, and its withdrawal is requested.

The Examiner rejected claims 1 and 3 under 35 U.S.C. § 112, first paragraph for (a) lack of written description and (b) lack of enablement. The cancellation of claims 1 and 3 obviates these rejections, and their withdrawal is requested.

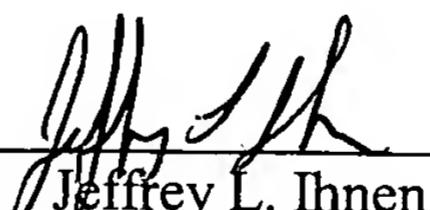
The Examiner rejected claim 3 under 35 U.S.C. § 102(b) as being anticipated by Miki (WO 99/53067). The cancellation of claim 3 obviates this rejection, and its withdrawal is requested.

In view of the above amendments and remarks, it is believed that the claim satisfies the requirements of the patent statutes and is patentable over the prior art. Reconsideration of the instant application and early notice of allowance are requested. The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

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